

Filed this 1<sup>st</sup> Day of April, 2014 In Open Court  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SILVER PEAK SYSTEMS, INC.,

Plaintiff,

V.

RIVERBED TECHNOLOGY, INC.,

Defendant.

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C.A. No. 11-484-RGA-CJB

## JURY TRIAL DEMANDED

### VERDICT FORM

In answering these questions, you are to follow all of the instructions I have given you in the Court's charge. As used herein, "Silver Peak" means Silver Peak Systems, Inc. As used herein, "Riverbed" means Riverbed Technology, Inc.

**THE '736 PATENT**

**Question No. 1:**

Did Silver Peak prove, by a preponderance of the evidence, that Riverbed directly infringes the following claims of the '736 Patent, either literally or under the doctrine of equivalents? **First answer YES or NO for each asserted patent claim regarding literal infringement.** If you answer YES for any claim for literal infringement, then you do not need to answer YES or NO for that claim regarding the doctrine of equivalents. If you answer NO for any claim for literal infringement, then answer YES or NO for that claim regarding the doctrine of equivalents.

Answering YES to this question means that you find for Silver Peak. Answering NO to this question means that you find for Riverbed.

	Literally	Doctrine of Equivalents
Claim 1 of the '736 Patent:	<u>NO</u>	<u>✓</u> yes
Claim 2 of the '736 Patent:	<u>NO</u>	<u>✓</u> yes
Claim 8 of the '736 Patent:	<u>NO</u>	<u>✓</u> yes
Claim 9 of the '736 Patent:	<u>NO</u>	<u>✓</u> yes
Claim 10 of the '736 Patent:	<u>NO</u>	<u>✓</u> yes
Claim 17 of the '736 Patent:	<u>NO</u>	<u>✓</u> yes

**Question No. 2:**

Did Silver Peak prove by a preponderance of the evidence that Riverbed contributorily infringes the following claims of the '736 Patent? **Answer YES or NO for each asserted patent claim.**

Answering YES to this question means that you find for Silver Peak. Answering NO to this question means that you find for Riverbed.

Claim 1 of the '736 Patent:

yes

Claim 2 of the '736 Patent:

yes

Claim 8 of the '736 Patent:

yes

Claim 9 of the '736 Patent:

yes

Claim 10 of the '736 Patent:

yes

Claim 17 of the '736 Patent:

yes

**THE '921 PATENT**

**Question No. 3:**

Did Silver Peak prove by a preponderance of the evidence that Riverbed induced infringement of the following claim of the '921 Patent? **Answer YES or NO.** Answering YES to this question means that you find for Silver Peak. Answering NO to this question means that you find for Riverbed.

Claim 1 of the '921 Patent:

yes

**Question No. 4:**

Do you find that Riverbed has proven by clear and convincing evidence that Riverbed Optimization System ("RiOS") version 2.0.0 anticipates claim 1 of the '921 Patent because it discloses each limitation (or step) of the claim and was offered for sale before September 20, 2006? **Answer YES or NO.** Answering YES to this question means that you find for Riverbed. Answering NO to this question means that you find for Silver Peak.

Yes

No

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✓  
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**Question No. 5:**

Do you find that Riverbed has proven by clear and convincing evidence that U.S. Patent No. 7,318,100 (the "'100 Patent" or the "Demmer Patent") anticipates claim 1 of the '921 Patent? **Answer YES or NO.** Answering YES to this question means that you find for Riverbed. Answering NO to this question means that you find for Silver Peak.

Yes

No

\_\_\_\_\_  
✓  
\_\_\_\_\_

Signed this 01 day of April, 2014.

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Jury Foreperson